THE GERMAN NATIONAL REVOLUTION

MAJOR EVENTS FROM FEB. 1 TO MAY 15, 1933

Written for The Amerika-Post by Fritz Morstein Marx

Whoever wants to gain the basis for a sound and objective judgment on Germany's National Revolution has to look upon it in the light of certain facts which might be summed up as follows:

(a) During the months preceding the appointment of the present cabinet under the leadership of Chancellor Hitler, government itself was on the verge of collapse. At present government is as firmly entrenched as in pre-war times. The pluralism of a parliamentary "party state" has been superseded by an "authoritarian state" founded on the consent of a majority of the governed. If ever in international negotiations since the war a German government really could speak in the name of the German people the present cabinet can claim to do so.

(b) The National Revolution ran its course almost without bloodshed because it conquered a vacuum. The leaders of the Social Democratic party, which represented the natural counterpart to the Hitlerite movement, had lost confidence in their own strength during the long years of hopeless economic depression; they had failed to win the support of the dissatisfied younger generation which grew up to enlarge the army of the unemployed; they had only been able to keep the solid block of older trade union men in line. The Communists could never expect to reach the bourgeois voter. The Hitlerite party, however, had taught the youth eager for tasks that the future of the nation depended on them and that a meek plea for international peace and justice—issued often enough in vain by German post-war governments — could never bring forth satisfactory results in a world armed to the teeth and thoroughly unwilling to make true the hope for universal pacification which, by the end of the war, was nursed by the whole German people.

(c) The National Revolution was, therefore, not forced on the German people but put through by the "common man" who, defying the pessimism of a "system" that, in his eyes, only resulted in internal and external failures, sincerely believed in the possibility of immediate reconstruction under competent and trustworthy leadership of popular men of his own creed.

(d) The National Revolution was carried through, in the mind

of those who took an active part in it, for the cause of maintenance of good government, of a re-unification of the whole people and of an emancipation from the "Marxist" notion of class struggle, of a strong central authority controlling labor and industry for the common good under a sort of corporative constitution, and of the rehabilitation of the "Aryan" race, which was underrepresented in German intellectual and cultural life though it constituted the most valuable racial asset in the German population, as National Socialist ideology asserts. Since the "Non-Aryan" stock played a conspicuous role in the legal and medical professions as well as in a number of administrative departments and in the teaching bodies of the universities it was certain from the beginning that the new authorities would attempt to change this situation. And while the theory of appropriate representation of the "Aryan" race is doubtless open to discussion to Americans—as the reaction of public opinion in the United States has already indicated—the existence of this theory and its practical consequences, though hard for the individual "Non-Aryan," are facts which must be faced as such.

(e) The march of recent events in Germany, last but not least, is influenced to a considerable degree by the failure of the world to free Germany from the frenzy of the Versailles system at a time when the whole German people still sincerely believed in the League of Nations as an effective instrument for international justice, disarmament, and peace.

The Last Electoral Campaign—Immediately after the decree for the dissolution of the Reichstag had been issued on February 1, Chancellor Hitler, on behalf of the coalition cabinet of Nationalists and National Socialists, opened the electoral campaign by a broadcast proclamation in which he made public a four-year plan for the reconstruction of German economy. In his speech the Chancellor urged the German people as a whole to co-operate with the Government in order to be worthy of the great heritage of the German past. He announced that the Federal Cabinet was resolved to suppress relentlessly spiritual, political, and cultural nihilism in order to prevent Germany from gliding off into communist chaos.

"Fourteen years of Marxism," he said, "have ruined Germany. One year of Bolshevism would annihilate it."

In order to repair the damage done during these fourteen years, the Cabinet, according to the Chancellor, had to insist that the German people on election day (March 5) grant the Government for four years an unreserved power of attorney. The Cabinet, in its turn, promised the people to relieve the German farmer from his plight and to sweep away unemployment from German soil during this period.

Meanwhile, the tension between the National Socialist party and the "Marxist" parties, i. e., the Social Democrats and the Communists, grew almost unbearable. The Social Democrats made it plain that they would vehemently oppose the Hitler cabinet; their leading party organ the *Vorwärts,* wrote: "Away with you, is our answer to Hitler and von Papen." In Prussia, Captain Göring, Federal Commissioner for the Interior, issued orders forbidding communist demonstrations. The same happened to an anti-fascist mass-meeting summoned by the Social Democratic party and the Iron Front in Berlin. On February 24, by order of the new Police President of Berlin, Admiral von Levetzow, the Karl Liebknecht House in Berlin, Communist headquarters of Germany, was closed by the police. A large number of Social Democratic and Communist newspapers appearing in Prussia were suppressed under a recent Federal ordinance which added new legal reasons on which newspapers could be forced to suspend publication. It was generally felt that the forthcoming election would mean the definite test of the inherent strength of National Socialist ideology.

How serious Hitlerite authorities considered the domestic situation was indicated by the fact that the Prussian government called on "patriotic" citizens to serve as auxiliary police. The new auxiliary police force—which, by the way, will probably be dissolved by the end of 1933—was drawn from National Socialist storm troops and the Steel Helmet. But while this was going on north of the "Main Line," the Governments of the southern states of Bavaria, Baden, and Württemberg remained in watchful opposition, contending that Federal intervention in the South by appointment of special commissioners would mean a breach of the Weimar constitution.

The Reichstag Burns—In the evening of February 27, Berlin was stunned by the news that the Reichstag building was in flames. The public first was puzzled as to the motives of the burning when rumors spread that the fire had been started by incendiaries. Next morning, however, Captain Göring issued a communication explaining that the immediate police investigation had brought forth convincing evidence that the burning of the Reichstag had been planned and carried out by Communists who were linked up with the Social Democratic party; it was meant as the signal for a bloody uprising and civil war. In order to defeat this uprising at the start, warrants were immediately issued for two leading Communist deputies on strong suspicion of complicity with a certain Dutchman, van der Lubbe, who had been arrested on the spot. Many other Communist deputies and functionaries were taken into police custody; Communist newspapers, periodicals, pamphlets, and election posters were suppressed for a month throughout Prussia. All newspapers, periodicals, and pamphlets of the Social Democratic party, too, were forbidden for a fortnight, since the united Social Democratic-Communist front, according to the official statement, had proved to be an established fact. Later the period of suppression was extended, and Communist and Social Democratic papers, after the Reichstag elections, were also forbidden in the other German states, so that the "Marxist" press is, for the time being, wiped out.

The Federal cabinet, on receiving a report about the Reichstag

fire from Captain Göring, obtained the President's signature to a new emergency decree "for the protection of people and state" of far-reaching import, suspending those fundamental rights which, under article 48 of the Weimar constitution, can be set aside in case of imminent danger. The death penalty may be imposed on any person convicted of attempting the life of the President, or members of the Federal government, or Reich commissioners, or of conspiring with others in such an attempt. The death penalty is also to be applicable in cases of grave disturbance of the peace, of all deprivations of liberty with intent to use the victim as a hostage, of high treason, of incendiarism, of causing floods or explosions, and of poisoning to the common danger.

The Social Democratic party, in a public statement, "decisively" rejected the suggestion of the Prussian government that "it could have anything to do with those who set fire to the Reichstag." A similar statement was issued by the Communist party. The preparations for the public trial of the incendiaries have not yet (May 1933) been completed.

The Reichstag fire on the eve of election day did more to alarm the German people than any revelation of imminent Communist plots had done before, while, on the other hand, the drastic measures taken after it put their stamp on the last week of the electoral campaign.

Election Returns—The elections to the Reichstag and to the Prussian diet—which had been dissolved, too, and for which elections were set for the same day—took place in a quiet and orderly manner. The result was a complete victory for the two coalition parties representing the Federal cabinet. Between the partners, however, the National Socialists had distinctly gained the upper hand. In the November elections their parliamentary force had decreased to only 195 deputies, although they remained by far the strongest Reichstag faction; this time they won not less than 288 seats in a Federal parliament consisting of 647 representatives, on account of the very heavy poll of 88 per cent. More than 17 million voters out of close to 40 millions united under the swastika of the National Socialists—many of them not party members who, however, had grown thoroughly tired of being summoned to the polls every couple of months in order to express their whole-hearted support of a series of cabinets which always ended in a discouraging clinch with the growing Hitlerite opposition.

The German National People's party headed by Minister Hugenberg just preserved its strength, obtaining 52 seats in the Reichstag against 51 in the November elections. The same was true of the Social Democrats who, due to the yet unbroken party discipline of their trade union following, secured 120 seats, losing only one. But with them mere maintenance meant retreat in the face of a mobilization of more than four million additional voters as compared with the last Reichstag elections. The Catholic vote represented in the

Centre party and the Bavarian People's Party slightly increased; the number of seats controlled by both factions in the Reichstag went up from 90 to 92. Their percentage of the larger poll, however, declined, while hundreds of thousands in the Bavarian constituencies were converted into Hitlerites. Thus, for the first time, the National Socialists had broken the traditional hegemony of the Centre party in its own strongholds and paved the road for Federal interference in the German south while Prussia was already in their hands. That the Communists lost more than one million votes and 19 seats was not much of a surprise; in spite of this conspicuous setback, with 81 deputies they kept their position as the third strongest faction, though, while the German People's Party dwindled away from 11 to not more than 2 representatives. On the whole, the splinter parties—unpleasant offspring of German discord as they were—had to pay heavy tribute to their larger competitors because of the clear-cut issue of supporting or defeating the Federal cabinet. Only the Christian Socials and the *Württemberg* Peasants' Party were able to survive the stringent test. The State Party, heir of ponderous traditions of the former German Democratic Party and itself gradually reduced to a splinter party, notably advanced from 2 to 5 deputies, due to a tactical electoral arrangement with the Social Democratic Party.

Anyway, National Socialists and German National People's Party increased their percentage of the poll from about 41 per cent to almost 52, and in Prussia, simultaneously, from around 43 to even more than 52 per cent. The Hitlerite party alone advanced in the Reich from slightly more than 33 per cent of the total poll to close to 44, and in Prussia from about 36 to 43.2 per cent. Originally a minority government, the Federal cabinet had received confirmation by the majority of the people—an outstanding accomplishment in the light of recent German parliamentary history. The time for lengthy negotiations with other parties outside the Governmental coalition was over. The Centre Party had been forced out of its previous key position; it had to face the alternative either to stand by the Cabinet in more than mere benevolent neutrality or to be fought with the same weapons which the Government rigorously employed against the "Bolshevist menace" and "Marxist conspiracy." The conquest of the south was a *fait accompli*.

The National Revolution Captures the State—On the evening of election day Hitlerite storm troopers in closed formations suddenly rushed up to Hamburg's city hall square. After some negotiations with the proper authorities a detachment of them was admitted to the City Hall whereupon they hoisted the swastika banner on the City Hall tower while enthusiastic throngs saluted. In Hamburg, it will be recalled, the state cabinet based on the original coalition of Social Democrats, State and German People's Parties had remained in office although the outcome of the fall elections of 1931 had already placed it in the role of a minority government.

When, however, the Cabinet formally resigned in October, 1931, instead of losing power, it became stronger than before; for, under the Hamburg constitution, the Cabinet was entitled to continue wielding full executive power considerably increased by emergency decrees of the Reich, until a majority in the Diet had constituted a new Cabinet—a somewhat difficult task for the Diet because its oppositional groups were split into the extreme right and the extreme left. Moreover, on account of its formal resignation the actual cabinet was freed from the constitutional check of a parliamentary vote of censure because such a vote would have been out of place against an "acting cabinet." Negotiations for the formation of a new cabinet between the different factions excluding the Social Democratic and the Communist, which had gone on since 1931, never reached the goal. A few days before the Reichstag elections, however, Dr. Frick, Hitlerite Minister of the Interior in the Federal Cabinet, demanded the suppression of the Social Democratic *Hamburger Echo* from the Hamburg government. Since the Social Democratic cabinet members in Hamburg were not willing to yield to the demand they withdrew from the cabinet in *corpore*. Meanwhile the National Socialist diet faction urged Dr. Frick to appoint one of its members Federal Commissioner for the Hamburg police. When this happened other Hamburg cabinet ministers withdrew, too, among them the president of the cabinet, Dr. Carl Petersen.

The swastika on Hamburg's City Hall meant the victorious capture of the first of those German states which were not already lined up with the Prussian government. Next day the swastika flag floated on the barracks of the Hamburg police and many other public buildings. Flag shops were sold out in a few hours. Brown-shirts and Steel Helmet men became the actual rulers of the Free and Hanseatic City. Her two sisters, Lübeck and Bremen, had the same experience. Federal commissioners were appointed for both city states and for the state of Hesse. And since, as Captain Göring stated the "enormous ascendancy of the national front, especially in the southern states, no longer gave the South German governments the right to continue governing in the name of the people," federal commissioners endowed with dictatorial power followed in Bavaria, Baden, Württemberg, and Saxony.

Nowhere was resistance put up. Official police forces apparently had already been partly won over to the Hitlerite cause by thorough cell propaganda during the preceding months. Apart from the well-trained German police forces, the 600,000 National Socialist storm troopers and about 200,000 Steel Helmet men excelled any other militant organization in size, discipline, and enthusiasm. Revolutions, of course, are not football games. Thus it is not surprising that a number of acts of violence occurred—grossly exaggerated and unduly generalized by some foreign newspapers—which were certainly not more unpleasant to the non-Hitlerite part of the German public than to Chancellor Hitler himself, who soon issued an earnest

appeal to refrain from any isolated actions which could bring the National Revolution into disrepute.

"From now on", he said, "the national government has the executive power in its hands throughout Germany. The further accomplishments of the national resurgence will be systematic and directed from above. I command, therefore, strictest discipline."

Several weeks later a new federal statute put every storm trooper under disciplinary law according to regulations which the Chancellor will enact.

On March 12, President von Hindenburg ordered the raising of the old black-white-red flag of pre-war Germany together with the swastika banner as the emblems of a re-born Reich. A few days later Dr. Goebbels, the successful campaign manager of the National Socialist party, was appointed Federal Minister for National Enlightenment and Propaganda. The new cabinet member, commenting on his appointment, explained that not only the press but also the theatre and the cinema must adjust themselves to the new era, and that he soon hoped to reach the point where the whole nation would think unitedly and at which there would be only one public opinion. Meanwhile Dr. Luther, the president of the Reichsbank, had made up his mind to tender his resignation because, in view of impending adjustments in many spheres, he did not consider himself fit to co-operate with the Federal government as closely in all important questions relating to the currency, credit, public finances, and economic policy as would be imperative. On March 16, therefore, the general council of the Reichsbank elected as his successor, subject to the confirmation of President von Hindenburg, Dr. Hjalmar Schacht, "father of the stabilized mark", who had been Luther's predecessor until he resigned in 1930 in protest against the reparations settlement imposed on Germany by the Young Plan. Dr. Luther was selected to represent Germany as her Ambassador in the United States.

The first German state, previously not controlled by the two federal coalition parties, to elect a constitutional government was Hamburg. Under Hitlerite leadership former party conferences were resumed, and soon the Diet could be called upon to install a new cabinet in which the National Socialists predominated, while the German National People's Party was represented by four ministers—among them two Steel Helmet officers—and the German People's and the State Parties by one minister each who had both already served in the former cabinet. President of the Cabinet is Burgomaster Carl Vincent Krogmann, son of an old Hamburg merchant family and devoted follower of Chancellor Hitler. By May, however, one Nationalist minister and the last exponent of the State Party resigned while the representative of the German People's Party had entered the ranks of the National Socialists and, in addition, another National Socialist became cabinet minister.

The Day of Potsdam—The newly elected Reichstag had been

summoned for its formal opening March 21. It took place in the Garrison Church at Potsdam, symbol of Prussian traditions, where, behind the altar, lies buried Frederick the Great. Prior to the solemn dedication of the "first German Reichstag" by President von Hindenburg, services for the deputies were held in the Protestant church of St. Nicholas and in the Roman Catholic Church in Potsdam; the latter were attended by Vice-Chancellor von Papen and the deputies of the Centre Party while Chancellor Hitler and his close collaborator, Minister Goebbels, ostentatiously stayed away because Roman Catholic bishops, on some occasions, had declared Hitlerite party members to be apostates who could not be admitted to the sacraments. When the President drove from Berlin to Potsdam he was greeted by eager crowds which lined the streets and waved swastika and black-white-red flags. In his address to the Reichstag the President emphatically appealed to the deputies to support the Government and, in clear recognition of the needs of the situation, do all in their power to help the Cabinet in their arduous labors. Then the Chancellor read the Cabinet's reply containing a vigorous repudiation of Germany's alleged responsibility for the war.

"Neither the Kaiser", he exclaimed, "nor the German government nor the German people wanted the war. Only the disintegration of the nation compelled a weak generation, against its own conscience and against its most sacred inward conviction, to accept the implication of German war guilt. This collapse has been followed by decay in all spheres, political, moral, cultural, and economic. Crisis after crisis has shaken the people. But the rest of the world has not become happier and wealthier through the political and economic bleeding of an important member of its commonwealth. From the nonsensical theory of everlasting victors and vanquished has sprung the frenzy of reparations and, in consequence, the world economic catastrophe."

After the Chancellor had professed Germany's sincere desire to live in peace with her neighbors the President laid wreaths at the tomb of Frederick the Great, and later he reviewed the parade of *Reichswehr* troops, police in steel helmets, and of detachments of Brown Shirts and *Stahlhelmers.*

The Reichstag session itself began in the afternoon in the Kroll Opera House at Berlin since it will take months to repair the Wallot Building. No seats had been provided for the Communist faction. The Social Democratic Party was fully represented except for those who still were under arrest. The first meeting was occupied with the usual formal constitutive proceedings and the Speaker's address. As such Captain Göring was re-elected by acclamation as were the three vice-presidents representing the Hitlerite, the German National People's and the Centre parties respectively. In his speech Captain Göring enthusiastically saluted Chancellor Hitler and, in his person, a re-born Germany. "Weimar", he said, "now has been overcome, and it was symbolic today that the new Reichstag in its old dignity

and freedom has found its way back to that place from which Prussia once sprang and with her Germany. That we went back to Potsdam, that the spirit of Potsdam shall permeate us in future and not the spirit of Weimar means duty and discipline, work and cleanness."

A Far-reaching Enabling Act—Two days later, after an impassioned address of the Chancellor, the Reichstag, by a vote of much more than the constitutionally required two-thirds of its membership, passed the most far-reaching enabling act which was ever adopted under the Weimar constitution. The only negative vote was that of the Social Democratic deputies while the Centre and the Bavarian People's Parties swung into the governmental camp. Under the new Delegated Powers Act the Cabinet, as long as it exists in its present composition with a numerically strong representation of the German National People's Party, is for four years endowed with full legislative power in addition to the executive power which the cabinet constitutionally wields. Cabinet acts, therefore, do not depend on the assent of the Reichstag though the Reichstag is not deprived of its own constitutional legislative functions which, however, lose much of their original importance. The Weimar constitution is put at the disposal of the Cabinet; for cabinet acts are allowed to deviate from all general provisions of the constitution, though not to alter its text. Thus the Cabinet is no longer compelled to court the consent of parliament in order to enact the budget, take up loans, and conclude treaties—other than alliances, which remain in the prerogative of the President whose constitutional powers, including the supreme command over all armed forces, are not affected by the enabling act. The legal position of the Reichstag and of the Federal Council representing the 17 German states, too, may not be changed by cabinet legislation. Germany thus has definitely taken leave from parliamentary government. The Chancellor's aim was attained: his cabinet had become the virtual master of Germany by means of constitutional procedure.

Meantime, the personnel of the higher civil service was thoroughly raked over. Many so-called "political officials" were dismissed; other civil servants who were suspected not to be in accord with the new order, were sent on leave. Mayors of large cities and small townships were suspended. A great number of federal, state and local commissioners for certain branches of public administration were installed. Books and files of the former authorities were investigated. Charges of incompetence against those who previously ruled Germany were made public. In the beginning of April the Cabinet, by virtue of the legislative power vested in it by the enabling act, promulgated a sweeping "uniformity bill" by which all state legislatures and municipal councils elected prior to March 5 were to be re-modeled on the scale of the Reichstag election results. Diets or councils thus re-established may not be dissolved for four years—the period for which the enabling act runs. On the other hand, state

cabinets obtained legislative powers similar to those of the actual Federal cabinet so that they could even overrule their state constitutions. According to the precedent set by the first session of the Reichstag, no seats were allotted to the Communist factions either in state diets or in municipal councils, more than 18,000 communists being in police custody. The former political heterogeneity of legislative bodies all over the Reich had ultimately passed away. The conception of federal checks and counterbalances was no longer part of German constitutional life. A new unitary state was advancing.

This new unitary state received more definite shape when, on April 7, the cabinet passed another bill providing for the appointment of governors for the German states by the President of the Reich. The Governors, who are responsible only to the Federal Government, are Federal officials. They are virtually state presidents vested with the rights to appoint and dismiss the president of the state cabinet and, on his recommendation, the other state ministers, to dissolve the diet, to appoint and dismiss civil servants and judges, and to pardon. It is the main duty of the Governors to supervise the enactment of the Chancellor's outlines of policy. In Prussia, where a few days later Captain Göring was appointed Prime Minister (thus setting aside the claims of Herr von Papen who until then as Federal Commissioner was the formal superior of Captain Göring), the Chancellor himself took over the functions of the governor. The Reich-Prussia problem seemed finally solved. Constitutionally the Reich—once a mere federation of German princes—received the structure of a pyramid with the President and the Chancellor at the top of it.

As a reprisal against "atrocities campaigns" abroad, on April 1, for one day, a boycott of Jewish stores took place throughout Germany. It was conducted without disturbance of public order and in accordance with general outlines issued by a special (non-official) national boycott committee. Thus uniformity of action was secured. Uniformity of action was also the goal of another move. By April 27, Federal Minister Seldte, chief of the Steel Helmet, severing from his former associate, Lieutenant-Colonel Duesterberg, entered the National Socialist party and put his organization under Hitler's command.

Restoration of the Civil Service Act—On April 7, the cabinet, duly authorized under the new Delegated Powers Act of March 24, passed an "Act for the Restoration of the Civil Service", suspending the far-reaching legal protection of civil service rights embodied in article 129 of the Weimar constitution. The act aims at "the restoration of a national civil service" and "the simplification of public administration". Its general principles—applying to the federal civil service as well as to the civil services of the seventeen German states (thus also to university professors) and local government—are these:

(a) So-called "party-book officials" must be dismissed from the civil service. "Party-book officials" are those who have entered the civil service since November 9, 1918, without either complying with the general requirements for their civil service career or possessing the customary training or other fitness at the time of their admission to the service. A civil servant has complied with the general requirements for admission to the service if, especially, he has passed the prescribed examinations; he possesses the customary training if, on his entrance in the service, he has complied with those requirements which, as a rule, are regarded as sufficient for admission. Unfit are officials who are members of the Communist party or its surrogate organizations or who have been engaged in Communist activity, regardless whether they are still members of the Communist party or its surrogate organizations; these latter officials, however, must be dismissed even if they possess the generally required or customary training.

Unfitness, therefore, in the terminology of the act, applies only to political disqualification as it is determined by the act. According to the opinion of a commentator the act must be construed so as to exclude also those Social Democratic functionaires who have entered the service as so-called "political officials", unless they can prove a certain measure of higher education (final examination of a high-school or at least final examination of a high-school *Sekunda*-class).

(b) Civil servants whose previous political activity (especially since November 9, 1918) does not guarantee that they will every time fully identify themselves with the "national state" can be dismissed. Each official is obliged on request to inform his superiors about his party affiliations. Political parties are also the Reichsbanner Black-Red-Gold, the Republican Union of Judges, the League for Men's Rights, the Association of Republican Officials and the Iron Front (militant organization of the Social Democratic party). Membership in a political party as such—except in the Communist—does not justify the assumption of political unreliability. A civil servant is, however, considered politically unreliable if he has engaged in any sort of hostile activity against the national revolutionary movement, especially if he has insulted its leaders or abused his official position in order to persecute, to slight or to prejudice nationally-minded civil servants. If he has done so he can be dismissed even without having belonged to a "Marxist" party (i. e. the Social Democratic and the Communist parties). He would not be able, for instance, to rescue himself by entering the National Socialist party—at least not if he has entered the party after January 30, 1933. Occasional back-sliding during electoral campaigns will be disregarded.

(c) Civil servants of "Non-Aryan" parentage have to be dismissed, too. "Non-Aryans" in the meaning of the act are those persons whose parents or grand-parents are "Non-Aryan", especially Jewish. The disqualification takes place if one parent or grand-parent is "Non-

Aryan". There are three exceptions to this rule. "Non-Aryan" civil servants who have been in the service since Aug. 1, 1914, or who have actually fought at the front during the war (or in the post-war voluntary corps in the Baltic states, in Upper Silesia, against communists, separatists or foes of the national revolution) or whose fathers or sons have been killed in action, will remain in the service.

(d) Every civil servant can immediately be put on pension if that is advisable in order to simplify public administration. In this case, however, the vacant position may not be filled again through another appointment.

(e) Every civil servant including high court judges, teachers or university professors, can be moved into another position of an equivalent career even if this position as such grants only a smaller salary and rank, whenever the needs of the service necessitate it. The civil servant, though, for the time being keeps his present title and salary, and is allowed to ask to be put on pension instead.

Pensions are not paid to dismissed "party book officials"; they get their full salary for three more months after their dismissal—that is the last payment they receive. Only in case of need not more than one-third of the basic salary can be granted as a free gratuity. This applies also to those "party-book officials" who have been pensioned before the enactment of the new law. Civil servants who have been dismissed as politically unreliable are entitled to three-fourths of their pension unless they are not eligible for a pension at all because of less than ten years of service. These two groups of ousted officials lose their right to use their official rank and title. Persons dismissed because of "Non-Aryan" descent, however, are exempt from these clauses; as far as they are eligible for a pension on account of ten years of service, they will draw their full pension—just as well as those groups of retired civil servants mentioned above subheads (d) and (e).

Dismissals under the act are considered merely an administrative matter, i. e. decisions are final, and no recourse to the law courts or to administrative tribunals or to the disciplinary courts is granted. The general principles of the act apply also to employees and workers in public services. On Sept. 30, 1933, the restoration period will end and the suspended "bill of right" of the civil service be re-established.

At present it is not possible to estimate how many persons will be actually affected by restoration measures taken under the new act which represents a unique feature in German civil service legislation.

Re-organization of the Legal Profession *et al.*—The same day the Restoration of the Civil Service Act was passed, the cabinet adopted an act re-organizing the legal profession on similar lines. Its main features are the following:

(a) Attorneys-at-law of "Non-Aryan" descent in the meaning of the Restoration of the Civil Service Act can be debarred, unless they

have been admitted to the bar before Aug. 1, 1914, or fought at the front during the war or have lost fathers or sons at the front; it is a matter of free discretion of the state ministries of justice to what extent "Non-Aryan" lawyers shall be admitted to the bar in future.

(b) Persons who have been engaged in Communist activity are excluded from the legal profession and must be debarred.

(c) Until final decision as to the application of this act on practicing attorneys-at-law, the state ministries of justice can issue a preliminary decree prohibiting those attorneys from practicing.

(d) Previous measures of state authorities against "Non-Aryan" attorneys-at-law are superseded by this act.

Thus, while in Berlin most Jewish lawyers, except 35, had already been banned from the courts, according to the Jewish proportion of the total population, under the new act, of 11,814 lawyers formerly admitted to Prussian courts only 1,051 have actually been debarred (923 Jews and 118 Communists), while 2,158 Jewish lawyers are to be allowed to continue practicing in future in Prussia.

Corresponding legal changes have affected other vocations, e. g. the medical profession as far as doctors are employed by public bodies (national health insurance authorities).

May Day Celebration—By Cabinet act of April 10, for the second time in Germany's industrial history, May Day—traditional festive parading-day of organized labor—became a national holiday; fourteen years ago, by parliamentary act of April 17, 1919, it had been celebrated as a national holiday dedicated to "the idea of world peace, of the League of Nations, and to international protection of labor". For the first time, however, it was now celebrated, purified from all "Marxist" aspects, as a "festival of national work", in which employer as well as employee, craftsman as well as dock-worker, civil servant as well as trade-union man, actively participated. And for the first time, too, a federal ordinance of April 20 provided that employees and workers had to be compensated by their employers for that amount of wages which they would earn if, instead of celebrating, they had worked. Members of "Marxist" trade unions or of "Marxist" parties were also invited to take part in the festival—but they were not allowed to parade in groups nor to carry their traditional banners with them. In Berlin, Chancellor Hitler promulgated the program for the first "reconstruction year," before hundreds of thousands of employees, workers and storm troopers on the *Tempelhofer Feld,* famous parading-ground of pre-war Germany's army.

"We want to bring the Germans to each other again", he said, "and if they are unwilling to come we will force them together. That is the significance of May Day which, from now on, shall be celebrated in Germany through centuries, so that all men who labor in the wheel-work of our national production find each other and one day shake hands with one another, realizing that nothing could happen if they all did not accomplish their deal of work. Therefore, this

celebration stands under the motto: Honor labor and respect the worker!"

The Chancellor then outlined the major tasks of the Cabinet:

(a) To enact the great ethical idea of labor service for every young German—rich or poor, son of a scholar or son of a factory-worker—in order to get acquainted with manual labor and to learn to obey so that later he may be more fit for a leading position and will know the mentality of the common man and the people as a whole;

(b) To free creative initiative from the mischievous influences of majority resolutions, for German economy can only rise if a synthesis is found between freedom of creative spirit and subordination to the common good;

(c) To start organic economy by first aiding the farmer and agriculture, because a sound agriculture will be the basis for a re-birth of German economy in its totality;

(d) To fight unemployment through "made" work by the restoration of buildings, by an appeal to every employer of labor, and by a gigantic program of road building:

(e) To cut down interest rates and carry out an economic policy which secures permanence of production without destroying German agriculture.

Finally, the Chancellor appealed to the German people to be aware of the urgent necessity to fight for equal international rights in complete unity.

Throughout the Reich, May Day was celebrated everywhere in large open-air mass demonstrations.

Securing Economic and Cultural Homogeneity—The response of countless economic, cultural, professional, and educational institutions and associations to the National Revolution and its avowed aims signifies the totality of the landslide better than anything else. Whatever the inside motives were, adjustment to the new order became a general trend. Boards of directors resigned in order to be re-established under National Socialist leadership. Executive secretaries busied themselves in coming to terms with the new authorities. Magazines and weeklies of political and non-political character reflected the fundamental change not only in their editorials but also in a re-consideration of their personnel. "Gleichshaltung", i. e. securing homogeneity, became one of the most frequently used terms in newspaper columns and daily conversation. Political as well as cultural separatism suddenly were forgotten. The Protestant churches in the different German states, for instance, which up to now had been distinct cultural units within a loose national federation of Protestant churches, felt inclined to consider the foundation of a national Protestant church comprehending Protestant church life throughout Germany. The medical and the legal professions, too, paid their tribute to the national cause. One of the editors of the *Juristische Wochenschrift*, the renowned weekly magazine of the

German Union of Attorneys-at-law, who several weeks ago had succeeded Justizrat Dr. Julius Magnus, recently published a brief in which he said:

"The legal profession and the *Juristische Wochenschrift*, too, will in future be one with the pulse of the German people. It must not be easily diverted from its purpose by the bloodless phrase that politics have to be kept out of science, out of jurisprudence, out of the *Juristiche Wochenschrift*. What we have lived to see is not politics in the common meaning but history, history of law of the most vehement character, which has deeply touched and moved us. He who passes by that without being touched and moved, cannot claim the title of a real jurist. For law is not solely a matter of cold reasoning —one cannot even solve the inflexible *formulae* of the law of civil procedure and bankruptcy solely with it—, the heart and feeling of the real jurist will always swing with it. Whoever serves the law—judging, pleading, writing, teaching—must, therefore, return to the sense and spirit of the old Germanic law which was an accord of reason and heart, spirit and soul. The cultivation of merely constructive law, checkering with juridical concepts and statute sections, has indeed nothing to do with politics nor with true justice."

Or, as the Prussian Minister of Justice, Herr Kerrl, stated in an address to the First German Assembly of Referendare, i. e. young lawyers, on May 20:

"Certainly the judge has to be impartial; but I demand that he is partial to the utmost when the existence of the nation is concerned. There are no castles in Spain for a divine objective law. The divine inalienable law, my German judge, is born with you. It is living in your blood, in your German conscience. Only he who has understood National Socialism in its deepest meaning can be a German judge."

Meanwhile a "Front of German Law" is forthcoming: a national organization of German judges and attorneys-at-law under National Socialist leadership. A corresponding "Front of German Work" embracing all manual and desk labor as one great national union is already designed; it will be the foundation-stone for the structure of a corporate state in which a reorganized representation of all German employers will also partake. To this end "Marxist" trade unions, on May 2, were taken over by National Socialist commissioners. Thus the Social Democratic party was deprived of its backbone. By May 10, on order of the public prosecutor, the entire property of the Social Democratic party and of the *Reichsbanner* Black-Red-Gold was confiscated throughout the country; the reason given for this action was that numerous cases of malfeasance had been discovered by National Socialist commissioners since the seizure of the "Marxist" trade unions.

High schools and universities, according to a cabinet act of April 25, were closed to uncontrolled admission in order to balance the law of demand and supply of academic labor. The admission limit,

from now on, is to be fixed by ordinance of the state governments before the beginning of each school year. One and a half per cent of the admission limit is apportioned for "Non-Aryan" students. "Non-Aryan" students, however, whose fathers fought at the front during the war, are exempt from the special apportionment. The same applies to children of mixed marriages provided that one parent or two grandparents are of "Aryan" descent and the marriage has taken place before April 25, 1933.

Disarmament and Peace—When in early May the news was communicated that the Chancellor had asked Speaker Göring to summon the Reichstag in order to define the German standpoint on those questions which affect not only the German people but also the world, the public abroad was somewhat puzzled as to what the Chancellor was going to pronounce. A much-read American weekly of liberal creed hazarded the following prediction: "Every advance indication pointed to a blustering, saber-rattling appeal to the galleries in Germany, for the German people demand action on the arms-equality issue and Hitler must make good." Nothing of the sort happened. And the London *Times*, which had displayed a distinctly critical attitude toward the Hitler cabinet all the time, wrote, commenting on the Chancellor's speech: "The world caught a first glimpse yesterday of Herr Hitler the statesman."

"Germany", Chancellor Hitler, speaking for the whole German people, said, "demands the disarmament of all other nations because her claim for equality is moral, legal, and sensible. She wants nothing that she is not ready to give to others. No fresh European war is capable of putting something better in the place of the unsatisfactory conditions which today exist. Even by the decisive success of a new European settlement by force, the final result could only be an increase in the destruction of European balance of power, and thus would contain the seeds for later differences and fresh complications. The outbreak of such an unending madness would lead to the collapse of the existing social order in Europe. Germany is willing without further reservations to dissolve her entire military forces and destroy the weapons left to her if all other nations will do the same. Germany will tread no other path than that laid down by the treaties. But the German people will not let themselves be forced into anything that might prolong their disqualification. May the other nations understand the unbreakable will of Germany to end once and for all a period of human errors in order to find the way to a final agreement between all on the basis of the same rights for all."

Fritz Morstein Marx.

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